

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 771
HOUSE BILL 1319

AN ACT TO REAUTHORIZE THE MENTAL HEALTH STUDY COMMISSION;
TO CREATE THE PUBLIC HEALTH STUDY COMMISSION; TO CREATE
THE ELECTION LAWS REVIEW COMMISSION; TO EXTEND STUDY
REPORT DEADLINES; AND TO AUTHORIZE THE LEGISLATIVE
RESEARCH COMMISSION TO STUDY INSURANCE FRAUD.

The General Assembly of North Carolina enacts:

PART I.—MENTAL HEALTH STUDY COMMISSION
(H.B. 305 - Lutz, S.B. 400 - Harris)

Sec. 1.1. The Mental Health Study Commission, established and structured by 1973 General Assembly Resolution 80; Chapter 806, 1973 Session Laws; Chapter 185, 1975 Session Laws; Chapter 184, 1977 Session Laws; Chapter 215, 1979 Session Laws; 1979 General Assembly Resolution 20; Chapter 49, 1981 Session Laws; Chapter 268, 1983 Session Laws; Chapter 792, 1985 Session Laws; Chapter 873, 1987 Session Laws; Chapter 802, 1989 Session Laws; and Chapter 754, 1991 Session Laws, is reestablished and authorized to continue in existence until July 1, 1995.

Sec. 1.2. The continued Mental Health Study Commission shall have all the powers and duties of the original Study Commission as they are necessary to continue the original study, to assist in the implementation of the original and succeeding Study Commission recommendations, and to plan further activity on the subject of the study.

Sec. 1.3. Members and staff of the continued Mental Health Study Commission shall receive compensation and expenses delineated by the original authorization in the 1973 General Assembly Resolution 80. Expenses of the Commission shall be expended by the Department of Human Resources from Budget Code 14460 subhead 1110.

Sec. 1.4. In addition to other studies authorized by law, the Mental Health Study Commission shall:

- (1) Exercise oversight of, and make recommendations regarding the implementation of the Adult Substance Abuse Plan, the Comprehensive Long Range Plan for Adults with Severe and Persistent Mental Illness, the Child Mental Health Plan, the Child and Adolescent Alcohol and Other Drug Abuse Plan, and the Developmental Disabilities Services Plan;
- (2) Exercise oversight of, and make recommendations regarding implementation of the Quality Improvement Initiative endorsed by the Mental Health Study Commission;

- (3) Monitor implementation of Commission recommendations to improve mental health, developmental disabilities, and substance abuse services to criminal justice offenders;
- (4) Exercise oversight of, and make recommendations regarding the implementation of the Pioneer Funding System and the funding initiatives to maximize the use of federal and private dollars to support mental health, developmental disabilities, and substance abuse services;
- (5) Identify and recommend effective model programs for implementation in each of the Mental Health Study Commission Plans;
- (6) Develop a business initiative to increase awareness about the crisis in the mental health system and to build partnerships for creating an effective response; and
- (7) Review major initiatives for children for integration with the Child Mental Health Plan.

Sec. 1.5. The Mental Health Committee, created by the Legislative Research Commission in 1993, is abolished.

PART II.—PUBLIC HEALTH STUDY COMMISSION

(S.B. 69 - Cooper)

Sec. 2.1. Chapter 120 of the General Statutes is amended by adding the following new Article to read:

"ARTICLE 22.

"The Public Health Study Commission.

"§ 120-195. Commission created; purpose.

There is established the Public Health Study Commission. The Commission shall examine the public health system to determine its effectiveness and efficiency in assuring the delivery of public health services to the citizens of North Carolina.

"§ 120-196. Commission duties.

The Commission shall study the availability and accessibility of public health services to all citizens throughout the State. In conducting the study the Commission shall:

- (1) Determine whether the public health services currently available in each county or district health department conform to the mission and essential services established under G.S. 130A-1.1;
- (2) Study the workforce needs of each county or district health department, including salary levels, professional credentials, and continuing education requirements, and determine the impact that shortages of public health professional personnel have on the delivery of public health services in county and district health departments;
- (3) Review the status and needs of local health departments relative to facilities, and the need for the development of minimum standards governing the provision and maintenance of these facilities;

- (4) Propose a long-range plan for funding the public health system, which plan shall include a review and evaluation of the current structure and financing of public health in North Carolina and any other recommendations the Commission deems appropriate based on its study activities; and
- (5) Conduct any other studies or evaluations the Commission considers necessary to effectuate its purpose.

"§ 120-197. Commission membership; vacancies; terms.

(a) The Commission shall consist of 17 members, one of whom shall be the State Health Director. The Speaker of the House of Representatives shall appoint seven members, two of whom shall be selected from among the following: the UNC School of Public Health, the North Carolina Primary Care Association, the North Carolina Home Care Association, the North Carolina Pediatric Society, and the North Carolina Citizens for Public Health. Five of the Speaker's appointees shall be persons who are members of the House of Representatives at the time of their appointment, one of the five being the Representative who chairs the House standing committee related to health matters. The President Pro Tempore of the Senate shall appoint seven members, two of whom shall be selected from among the following: the North Carolina Health Directors' Association, the North Carolina Public Health Association, the Association of Public Health Nurses, the North Carolina Environmental Health Supervisors' Association, and the North Carolina Association of Public Health Educators. Five of the President Pro Tempore's appointees shall be persons who are members of the Senate at the time of their appointment, one of the five being the Senator who chairs the Senate standing committee related to health matters. The Governor shall appoint one member from either the North Carolina Medical Society or the North Carolina Hospital Association. The Lieutenant Governor shall appoint one member from either the North Carolina Association of County Commissioners or the Association of North Carolina Boards of Health.

(b) Vacancies shall be filled by the official who made the initial appointment using the same criteria as provided by this section. All initial appointments shall be made within one calendar month from the effective date of this Article.

(c) Legislative members appointed by the Speaker and the President Pro Tempore shall serve two-year terms. The public members initially appointed by the Speaker and the President Pro Tempore shall each serve a three-year term. The members initially appointed by the Governor and the Lieutenant Governor shall each serve a one-year term. Thereafter, the terms of all Commission members shall be for two years.

"§ 120-198. Commission meetings.

The Commission shall have its first meeting not later than 60 days after the sine die adjournment of the 1993 General Assembly at the call of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one legislative member of the Commission to serve as cochair. The Commission shall meet upon the call of the cochairs.

"§ 120-199. Commission reimbursement.

The Commission members shall receive no salary as a result of serving on the Commission but shall receive necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and 138-6, as applicable.

"§ 120-200. Commission subcommittees; non-Commission membership.

The Commission cochairs may establish subcommittees for the purpose of making special studies pursuant to its duties, and may appoint non-Commission members to serve on each subcommittee as resource persons. Resource persons shall be voting members of the subcommittee and shall receive subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6.

"§ 120-201. Commission authority.

The Commission may obtain information and data from all State officers, agents, agencies, and departments, while in discharge of its duties, under G.S. 120-19, as if it were a committee of the General Assembly. The Commission also may call witnesses, compel testimony relevant to any matter properly before the Commission, and subpoena records and documents, provided that any patient record shall have patient identifying information removed. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this section, the subpoena shall also be signed by the cochairs of the Commission. Any cost of providing information to the Commission not covered by G.S. 120-19.3 may be reimbursed by the Commission from funds appropriated to it for its continuing study.

"§ 120-202. Commission reports.

The Commission shall report to the General Assembly, the Governor, and the Lieutenant Governor the results of its study and recommendations. The Commission shall submit its written report not later than 30 days after the convening of each biennial session of the General Assembly.

"§ 120-203. Commission staff; meeting place.

The Commission may contract for clerical and professional staff or for any other services it may require in the course of its ongoing study.

The Commission may, with the approval of the Legislative Services Commission, meet in the State Legislative Building or the Legislative Office Building."

Sec. 2.2. The Public Health Committee, created by the Legislative Research Commission in 1993, is abolished.

PART III.—ELECTION LAWS REVIEW COMMISSION

(S.B. 21 - Lee, Basnight)

Sec. 3.1. (a) There is created an Election Laws Review Commission to be composed of 18 members appointed as follows:

- (1) The President Pro Tempore of the Senate shall appoint six members;
- (2) The Speaker of the House of Representatives shall appoint six members; and
- (3) The Governor shall appoint six members.

As used in this Part and unless otherwise clearly indicated, "Commission" shall refer to the Election Laws Review Commission.

(b) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees. Either cochair may call the first meeting of the Commission.

(c) Members shall serve until the termination of the Commission or, in case of a State legislator member, until the member either does not file for reelection to the General Assembly or is not reelected, whichever occurs first. Vacancies shall be filled in the same manner as the original appointments were made.

Sec. 3.2. (a) The Election Laws Review Commission shall study thoroughly:

- (1) The election laws, policies, and procedures of the State, specifically to include those relating to campaign finance regulation, the appropriateness of their sanctions, and the appropriate handling and disposition of campaign contributions;
 - (2) The administration of those laws, policies, and procedures at the State and local levels and the responsibilities of those administering these laws; and
 - (3) Federal and State case rulings impinging on these laws, policies, and practices.
- (b) The Commission shall recommend changes to the law that will:
- (1) Clarify the present law by removing inconsistencies and outdated provisions, including those of dubious constitutionality;
 - (2) Incorporate in the law any desirable uncodified procedures, practices, and rulings of a general nature that have been implemented by the State Board of Elections and its Executive Secretary-Director;
 - (3) Conform the law to State and federal case law and to any requirements of federal statutory law and regulation;
 - (4) Ensure the efficient and effective administration of elections in this State;
 - (5) Continue the impartial, professional administration of elections, which the citizens of the State expect and demand; and
 - (6) Recodify the election laws, as necessary, to produce a comprehensive current statement of law and practice of elections in North Carolina.

Sec. 3.3. With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Election Laws Review Commission. Clerical staff shall be furnished to the Commission through the Offices of the House of Representatives and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Election Laws Review Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

Sec. 3.4. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 1995 Session of the General

Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

Sec. 3.5. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

- (1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1;
- (2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6;
- (3) All other Commission members, at the rate established in G.S. 138-5.

Sec. 3.6. The State Board of Elections and its Executive Secretary-Director, local boards of election, and all other State departments and agencies, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

Sec. 3.7. The Election Laws Review Committee, created by the Legislative Research Commission in 1993, is abolished.

PART IV.—INSURANCE FRAUD

(H.B. 1745 - Griffin)

Sec. 4.1. The Legislative Research Commission may study ways to improve the detection of insurance fraud and eliminate the occurrence of fraud through the development of fraud prevention programs, including the creation of a Division of Insurance Fraud Prevention within the Department of Insurance. The Commission may also study ways to require the return of fraudulently obtained insurance benefits and to reduce the amount of premium dollars used to pay fraudulent claims.

Sec. 4.2. The Legislative Research Commission may make a report to the 1995 General Assembly.

PART V.—GOVERNOR'S COMMISSION ON THE REDUCTION OF INFANT MORTALITY REPORTING DATE EXTENSION

Sec. 5.1. Section 284(a) of Chapter 321 of the 1993 Session Laws reads as rewritten:

"Sec. 284. (a) Of the funds appropriated in this act from the General Fund to the Department of Environment, Health, and Natural Resources for the Governor's Commission on the Reduction of Infant Mortality, the sum of fifty thousand dollars (\$50,000) for the 1993-94 fiscal year shall be used to contract with outside evaluators to determine the extent to which the public and private health, social services and mental health, developmental disabilities, and substance abuse services systems in each county meet the health needs of pregnant women and infants up to age one, and of children ages one to five. The study shall include, but not be limited to: an examination of the percentage of pregnant women in each county that receive early and continuous prenatal care; the extent to which eligible pregnant women, infants, and children are receiving

nutritional supplements, case management and other necessary health, social, mental health, and other support services; and the extent to which children are receiving age-appropriate immunizations. The study shall determine what barriers, if any, exist in each county which prevent pregnant women, infants, and children under the age of five from receiving timely and necessary health services. The Governor's Commission on the Reduction of Infant Mortality shall report its findings to the General Assembly on or before ~~May 15,~~ October 1, 1994."

PART VI.—HEALTH PLANNING COMMISSION REPORT EXTENSION

Sec. 6.1. Section 2.1(b) of Chapter 529 of the 1993 Session Laws (1993 Session) reads as rewritten:

"(b) ~~The Governor~~ Governor, acting upon recommendation of the Health Planning Commission, shall present to the General Assembly no later than ~~April 1, 1994,~~ February 1, 1995, a plan for consolidating all of the State health functions into one State Department of Health. The plan shall be based upon and shall address the principles and elements outlined in subsections (c) and (d) of this section."

PART VII.—APPROPRIATION FOR STUDIES

Sec. 7.1. From the appropriations to the General Assembly for studies, the Legislative Services Commission may allocate funds to conduct the studies authorized by Parts II and III of this act.

PART VIII.—EFFECTIVE DATE

Sec. 8.1. This act is effective upon ratification. Part II of this act is repealed on June 30, 1995.

In the General Assembly read three times and ratified this the 16th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives